

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL CASE NO. 5:21-cv-00169-MR**

JIMMY DANIEL RAYBON,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
LARRY WILLIAMSON, et al.,)	
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on the North Carolina Department of Public Safety’s (NCDPS) sealed Notice [Doc. 25] regarding the Court’s Request for Waivers of Service [see Doc. 22].

The pro se Plaintiff brought this action pursuant to 42 U.S.C. § 1983 addressing incidents that allegedly occurred at the Alexander Correctional Institution. The Amended Complaint passed initial review against Defendants Larry Williamson, Tass Jansen, and Jenny Hice.¹ [Docs. 20, 21]. Service waivers have been filed for Defendants Williamson and Jansen. [Doc. 24]. NCDPS was unable to waive service for Defendant Hice, who is

¹ “Ms. Hice” in the Complaint.

longer employed at NCDPS. [Doc. 25]. NCDPS has provided Defendant Hice's last known address under seal. [Id.].

The Clerk will be directed to notify the U.S. Marshal that Defendant Hice needs to be served with the summons and Complaint in accordance with Rule 4 the Federal Rules of Civil Procedure. If Defendant Hice cannot be served at the addresses provided by NCDPS, the U.S. Marshal shall be responsible for locating her home addresses so she may be served. See 28 U.S.C. § 1915(d) (in actions brought *in forma pauperis* under § 1915(d), “[t]he officers of the court shall issue and serve all process, and perform all duties in such cases”); Fed. R. Civ. P. 4(c)(3) (“At the plaintiff’s request, the court may order that service be made by a United States Marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed *in forma pauperis* under 28 U.S.C. § 1915....”).

If the U.S. Marshal is unable to obtain service on Defendant Hice, the U.S. Marshal shall inform the Court of the reasonable attempts to obtain service. The U.S. Marshal shall not disclose the Defendant’s home addresses to the pro se Plaintiff, and shall file any document containing such addresses under seal.

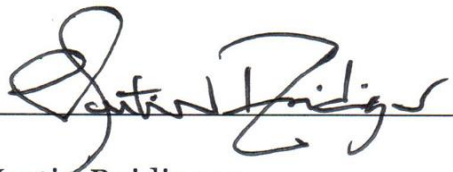
The Clerk of Court will be instructed to update the Court file with the Defendant Hice's correct name as reflected in this Order.

IT IS, THEREFORE, ORDERED that the U.S. Marshal shall use all reasonable efforts to locate and obtain service on Defendant Jenny Hice. If the U.S. Marshal is unable to obtain service on this Defendant, the U.S. Marshal shall inform the Court of the reasonable attempts to obtain service.

IT IS FURTHER ORDERED that the Clerk is respectfully instructed to mail a copy of the Amended Complaint [Doc. 20], the Sealed Notice [Doc. 25], and this Order to the U.S. Marshal, and to substitute Jenny Hice for "FNU Hice" in the Court's records.

IT IS SO ORDERED.

Signed: January 3, 2023



Martin Reidinger
Chief United States District Judge

